

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**JAMES A. THOMAS**

**PETITIONER**

**v.**

**No. 2:04CV335-P-D**

**SHERIFF JAMES RILEY, ET AL., ET AL.**

**RESPONDENTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Upon consideration of the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge dated May 20, 2005, was on that date duly served by mail upon the *pro se* petitioner at his last known address; that more than ten days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been filed or served by any party. The court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated May 20, 2005, is hereby approved and adopted as the opinion of the court.
2. That the instant petition for a writ of *habeas corpus* under 28 U.S.C. § 2241 is hereby **DISMISSED** for failure to exhaust state remedies.
3. That this case is **CLOSED**.

THIS, the 26<sup>th</sup> day of July, 2005.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE